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1 AMENDMENT TO SENATE BILL 319

2 AMENDMENT NO. _____. Amend Senate Bill 319 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-1 as follows:

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Sentence of Imprisonment for Felony.

8 (a) Except as otherwise provided in the statute defining
9 the offense, a sentence of imprisonment for a felony shall be a
10 determinate sentence set by the court under this Section,
11 according to the following limitations:

12 (1) for first degree murder,

13 (a) a term shall be not less than 20 years and not
14 more than 60 years, or

15 (b) if a trier of fact finds beyond a reasonable
16 doubt that the murder was accompanied by exceptionally
17 brutal or heinous behavior indicative of wanton
18 cruelty or, except as set forth in subsection (a)(1)(c)
19 of this Section, that any of the aggravating factors
20 listed in subsection (b) of Section 9-1 of the Criminal
21 Code of 1961 are present, the court may sentence the
22 defendant to a term of natural life imprisonment, or

23 (c) the court shall sentence the defendant to a
24 term of natural life imprisonment when the death

1 penalty is not imposed if the defendant,

2 (i) has previously been convicted of first
3 degree murder under any state or federal law, or

4 (ii) is a person who, at the time of the
5 commission of the murder, had attained the age of
6 17 or more and is found guilty of murdering an
7 individual under 12 years of age; or, irrespective
8 of the defendant's age at the time of the
9 commission of the offense, is found guilty of
10 murdering more than one victim, or

11 (iii) is found guilty of murdering a peace
12 officer, ~~or~~ fireman, or emergency management
13 worker when the peace officer, fireman, or
14 emergency management worker was killed in the
15 course of performing his official duties, or to
16 prevent the peace officer or fireman from
17 performing his official duties, or in retaliation
18 for the peace officer, fireman, or emergency
19 management worker from performing his official
20 duties, and the defendant knew or should have known
21 that the murdered individual was a peace officer,
22 fireman, or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course
27 of performing his official duties, or to prevent
28 the employee from performing his official duties,
29 or in retaliation for the employee performing his
30 official duties, or

31 (v) is found guilty of murdering an emergency
32 medical technician - ambulance, emergency medical
33 technician - intermediate, emergency medical
34 technician - paramedic, ambulance driver or other

1 medical assistance or first aid person while
2 employed by a municipality or other governmental
3 unit when the person was killed in the course of
4 performing official duties or to prevent the
5 person from performing official duties or in
6 retaliation for performing official duties and the
7 defendant knew or should have known that the
8 murdered individual was an emergency medical
9 technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver, or other
12 medical assistant or first aid personnel, or

13 (vi) is a person who, at the time of the
14 commission of the murder, had not attained the age
15 of 17, and is found guilty of murdering a person
16 under 12 years of age and the murder is committed
17 during the course of aggravated criminal sexual
18 assault, criminal sexual assault, or aggravated
19 kidnaping, or

20 (vii) is found guilty of first degree murder
21 and the murder was committed by reason of any
22 person's activity as a community policing
23 volunteer or to prevent any person from engaging in
24 activity as a community policing volunteer. For
25 the purpose of this Section, "community policing
26 volunteer" has the meaning ascribed to it in
27 Section 2-3.5 of the Criminal Code of 1961.

28 For purposes of clause (v), "emergency medical
29 technician - ambulance", "emergency medical technician
30 - intermediate", "emergency medical technician -
31 paramedic", have the meanings ascribed to them in the
32 Emergency Medical Services (EMS) Systems Act.

33 (d) (i) if the person committed the offense while
34 armed with a firearm, 15 years shall be added to

1 the term of imprisonment imposed by the court;

2 (ii) if, during the commission of the offense,
3 the person personally discharged a firearm, 20
4 years shall be added to the term of imprisonment
5 imposed by the court;

6 (iii) if, during the commission of the
7 offense, the person personally discharged a
8 firearm that proximately caused great bodily harm,
9 permanent disability, permanent disfigurement, or
10 death to another person, 25 years or up to a term
11 of natural life shall be added to the term of
12 imprisonment imposed by the court.

13 (1.5) for second degree murder, a term shall be not
14 less than 4 years and not more than 20 years;

15 (2) for a person adjudged a habitual criminal under
16 Article 33B of the Criminal Code of 1961, as amended, the
17 sentence shall be a term of natural life imprisonment;

18 (2.5) for a person convicted under the circumstances
19 described in paragraph (3) of subsection (b) of Section
20 12-13, paragraph (2) of subsection (d) of Section 12-14,
21 paragraph (1.2) of subsection (b) of Section 12-14.1, or
22 paragraph (2) of subsection (b) of Section 12-14.1 of the
23 Criminal Code of 1961, the sentence shall be a term of
24 natural life imprisonment;

25 (3) except as otherwise provided in the statute
26 defining the offense, for a Class X felony, the sentence
27 shall be not less than 6 years and not more than 30 years;

28 (4) for a Class 1 felony, other than second degree
29 murder, the sentence shall be not less than 4 years and not
30 more than 15 years;

31 (5) for a Class 2 felony, the sentence shall be not
32 less than 3 years and not more than 7 years;

33 (6) for a Class 3 felony, the sentence shall be not
34 less than 2 years and not more than 5 years;

1 (7) for a Class 4 felony, the sentence shall be not
2 less than 1 year and not more than 3 years.

3 (b) The sentencing judge in each felony conviction shall
4 set forth his reasons for imposing the particular sentence he
5 enters in the case, as provided in Section 5-4-1 of this Code.
6 Those reasons may include any mitigating or aggravating factors
7 specified in this Code, or the lack of any such circumstances,
8 as well as any other such factors as the judge shall set forth
9 on the record that are consistent with the purposes and
10 principles of sentencing set out in this Code.

11 (c) A motion to reduce a sentence may be made, or the court
12 may reduce a sentence without motion, within 30 days after the
13 sentence is imposed. A defendant's challenge to the correctness
14 of a sentence or to any aspect of the sentencing hearing shall
15 be made by a written motion filed within 30 days following the
16 imposition of sentence. However, the court may not increase a
17 sentence once it is imposed.

18 If a motion filed pursuant to this subsection is timely
19 filed within 30 days after the sentence is imposed, the
20 proponent of the motion shall exercise due diligence in seeking
21 a determination on the motion and the court shall thereafter
22 decide such motion within a reasonable time.

23 If a motion filed pursuant to this subsection is timely
24 filed within 30 days after the sentence is imposed, then for
25 purposes of perfecting an appeal, a final judgment shall not be
26 considered to have been entered until the motion to reduce a
27 sentence has been decided by order entered by the trial court.

28 A motion filed pursuant to this subsection shall not be
29 considered to have been timely filed unless it is filed with
30 the circuit court clerk within 30 days after the sentence is
31 imposed together with a notice of motion, which notice of
32 motion shall set the motion on the court's calendar on a date
33 certain within a reasonable time after the date of filing.

34 (d) Except where a term of natural life is imposed, every

1 sentence shall include as though written therein a term in
2 addition to the term of imprisonment. For those sentenced under
3 the law in effect prior to February 1, 1978, such term shall be
4 identified as a parole term. For those sentenced on or after
5 February 1, 1978, such term shall be identified as a mandatory
6 supervised release term. Subject to earlier termination under
7 Section 3-3-8, the parole or mandatory supervised release term
8 shall be as follows:

9 (1) for first degree murder or a Class X felony except
10 for the offenses of predatory criminal sexual assault of a
11 child, aggravated criminal sexual assault, and criminal
12 sexual assault if committed ~~convicted~~ on or after the
13 effective date of this amendatory Act of the 94th General
14 Assembly ~~July 1, 2005~~, 3 years;

15 (2) for a Class 1 felony or a Class 2 felony except for
16 the offense of criminal sexual assault if committed
17 ~~convicted~~ on or after the effective date of this amendatory
18 Act of the 94th General Assembly ~~July 1, 2005~~, 2 years;

19 (3) for a Class 3 felony or a Class 4 felony, 1 year;

20 (4) for defendants who commit the offense ~~convicted~~ of
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual assault, or criminal sexual assault, on or
23 after the effective date of this amendatory Act of the 94th
24 General Assembly ~~July 1, 2005~~, the term of mandatory
25 supervised release shall range from a minimum of 3 years to
26 a maximum of the natural life of the defendant;

27 (5) if the victim is under 18 years of age, for a
28 second or subsequent offense of aggravated criminal sexual
29 abuse or felony criminal sexual abuse, 4 years, at least
30 the first 2 years of which the defendant shall serve in an
31 electronic home detention program under Article 8A of
32 Chapter V of this Code.

33 (e) A defendant who has a previous and unexpired sentence
34 of imprisonment imposed by another state or by any district

1 court of the United States and who, after sentence for a crime
2 in Illinois, must return to serve the unexpired prior sentence
3 may have his sentence by the Illinois court ordered to be
4 concurrent with the prior sentence in the other state. The
5 court may order that any time served on the unexpired portion
6 of the sentence in the other state, prior to his return to
7 Illinois, shall be credited on his Illinois sentence. The other
8 state shall be furnished with a copy of the order imposing
9 sentence which shall provide that, when the offender is
10 released from confinement of the other state, whether by parole
11 or by termination of sentence, the offender shall be
12 transferred by the Sheriff of the committing county to the
13 Illinois Department of Corrections. The court shall cause the
14 Department of Corrections to be notified of such sentence at
15 the time of commitment and to be provided with copies of all
16 records regarding the sentence.

17 (f) A defendant who has a previous and unexpired sentence
18 of imprisonment imposed by an Illinois circuit court for a
19 crime in this State and who is subsequently sentenced to a term
20 of imprisonment by another state or by any district court of
21 the United States and who has served a term of imprisonment
22 imposed by the other state or district court of the United
23 States, and must return to serve the unexpired prior sentence
24 imposed by the Illinois Circuit Court may apply to the court
25 which imposed sentence to have his sentence reduced.

26 The circuit court may order that any time served on the
27 sentence imposed by the other state or district court of the
28 United States be credited on his Illinois sentence. Such
29 application for reduction of a sentence under this subsection
30 (f) shall be made within 30 days after the defendant has
31 completed the sentence imposed by the other state or district
32 court of the United States.

33 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
34 revised 8-19-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".